

JOURNAL OF THE HOUSE

NINETIETH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 5, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Paul Bly, followed by the Pledge of Allegiance led by House pages Shale Kramme and Emily Plumage.

Roll Call: All members present except Rep. Craig who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 5, 2015

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 4, 2015, I approved House Bills 1005, 1055, 1066, 1113, 1117, and 1217, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 131 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Lee Qualm, Chair

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration SB 178 and 179 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Justin R. Cronin, Chair

Also MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration SB 180 and returns the same with the recommendation that said bill be amended as follows:

180fb

On the Senate Commerce and Energy Committee engrossed bill, delete everything after the enacting clause and insert:

" Section 1. That § 10-35-17 be amended to read as follows:

10-35-17. Any company owning or holding under lease, or otherwise, real or personal property used, or intended for use, as a wind farm producing power for the first time on or after July 1, 2007, and prior to April 1, 2015, shall pay the alternative annual taxes provided in §§ 10-35-18 and 10-35-19. A wind farm that produces power for the first time on or after April 1, 2015, shall pay the alternative annual taxes provided in § 10-35-18 and section 3 of this Act. The alternative taxes imposed by §§ 10-35-18 ~~and~~ 10-35-19, and section 3 of this Act, are in lieu of all taxes levied by the state, counties, municipalities, school districts, or other political subdivisions of the state on the personal and real property of the company which is used or intended for use as a wind farm, but are not in lieu of the retail sales and service tax imposed by chapter 10-45, the use tax imposed by chapter 10-46, or any other tax.

Section 2. That § 10-35-19 be amended to read as follows:

10-35-19. Any company owning or holding under lease, or otherwise, real or personal property used, or intended for use, as a wind farm producing power for the first time on or after July 1, 2007, and prior to April 1, 2015, shall pay an annual tax of ~~two percent of the gross receipts of the wind farm. For purposes of this section, the gross receipts of \$.00065 per kilowatt hour of electricity produced by the wind farm is its production of electricity in kilowatt hours multiplied by the South Dakota electricity base rate of \$0.0475 per kilowatt hour in 2008, with the electricity base rate of \$0.0475 per kilowatt hour increasing by 2.5 percent on an annual basis thereafter, as determined by the secretary.~~ The owner of a wind farm subject to tax ~~under this section~~ shall file a report with the secretary detailing the amount of electricity in kilowatt-hours that was produced by the wind farm for the previous calendar year. The secretary shall prescribe the form of the report. The tax for the ~~gross receipts generated~~ electricity produced in a calendar year shall become due and be payable to the secretary on the first day of February of the following year. Except as otherwise provided in §§ 10-35-16 to 10-35-22, inclusive, the provisions of chapter 10-59 apply to the administration of the tax.

Section 3. Any company owning or holding under lease, or otherwise, real or personal property used, or intended for use, as a wind farm producing power for the first time on or after April 1, 2015, shall pay an annual tax of \$.00045 per kilowatt hour of electricity produced by the wind farm. The owner of a wind farm subject to the tax shall file a report with the secretary detailing the amount of electricity in kilowatt-hours that was produced by the wind farm for the previous calendar year. The secretary shall prescribe the form of the report. The tax for the electricity produced in a calendar year shall become due and be payable to the secretary on the first day of February of the following year. Except as otherwise provided in §§ 10-35-16 to 10-35-22, inclusive, the provisions of chapter 10-59 apply to the administration of the tax.

Section 4. That § 10-35-22 be repealed.

~~10-35-22. Any company requiring transmission lines or wind farm collector systems or both in South Dakota for a wind farm or a power generation facility as described in § 10-35-1.3, is eligible for a partial rebate of the tax paid under § 10-35-19. The company shall apply for the rebate on forms prescribed by the secretary. The total amount of tax rebated shall be no more than fifty percent of the cost of the transmission lines and wind farm collector systems in South Dakota.~~

~~1 The maximum rebate any company may receive in one year is ninety percent of the tax paid~~
~~2 under § 10-35-19 for the first five years and fifty percent of the tax paid under § 10-35-19 for~~
~~3 the next five years. The secretary shall determine when the wind farm is commercially~~
~~4 operational. No wind farm may receive a rebate under this section after this ten year period.~~

~~5 The secretary shall rebate the tax from the wind energy tax fund prior to the distribution of~~
~~6 any money as provided in § 10-35-21. The secretary may provide a tax credit, in lieu of full~~
~~7 payment of the gross receipts tax, of up to eighty percent of the transmission rebate value that~~
~~8 has been approved by the secretary. Any revenue in the wind energy tax fund after the rebates~~
~~9 are paid shall be deposited in the property tax reduction fund.~~

10 Section 5. This Act is effective on April 1, 2015. For wind farms that produced electricity
11 before April 1, 2015, one-fourth of the electricity that was produced in calendar year 2015 shall
12 be taxed and treated pursuant to the provisions in place prior to April 1, 2015, and three-fourths
13 of the electricity that was produced in calendar year 2015 shall be taxed and treated pursuant to
14 the provisions of this Act.

15 Section 6. Whereas, this Act is necessary for the support of the state government and its
16 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
17 full force and effect from and after its passage and approval."

18 180fta

19 On page 1, line 2, of the Senate Commerce and Energy Committee engrossed bill, after
20 "facilities" insert "and to declare an emergency".

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on Taxation respectfully reports that it has had under consideration SB 100
24 and returns the same with the recommendation that said bill be amended as follows:

25 100fd

26 On page 1, line 6, of the Senate engrossed bill, after "any" insert "real estate or".

27 On page 1, line 8, after "structure" insert "or real estate".

28 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration SB 189
3 and returns the same without recommendation.

4 Respectfully submitted,
5 Roger D. Solum, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to return herewith HCR 1008 in which the Senate has concurred.

9 Also MR. SPEAKER:

10 I have the honor to return herewith HB 1080, 1145, and 1201 which have been amended
11 by the Senate and your concurrence in the amendments is respectfully requested.

12 Also MR. SPEAKER:

13 I have the honor to return herewith HB 1082, 1142, and 1173 which have passed the Senate
14 without change.

15 Respectfully,
16 Kay Johnson, Secretary

17 **MOTIONS AND RESOLUTIONS**

18 Rep. Cronin moved that the House do concur in Senate amendments to HB 1050.

19 The question being on Rep. Cronin's motion that the House do concur in Senate
20 amendments to HB 1050.

21 And the roll being called:

22 Yeas 64, Nays 5, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
5 Johns; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman;
6 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;
8 Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;
9 Speaker Wink

10 Nays:

11 Hickey; Kaiser; Marty; May; Schaefer

12 Excused:

13 Craig

14 So the motion having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the motion carried and the amendments were concurred in.

16 Rep. Kaiser moved that the House do concur in Senate amendments to HB 1134.

17 The question being on Rep. Kaiser's motion that the House do concur in Senate
18 amendments to HB 1134.

19 And the roll being called:

20 Yeas 69, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
23 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
24 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
25 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
26 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
27 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
28 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
29 Willadsen; Wollmann; Zikmund; Speaker Wink

30 Excused:

31 Craig

32 So the motion having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the motion carried and the amendments were concurred in.

1 Rep. Gosch moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
2 Friday, March 6, the 33rd legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Gosch moved that the reports of the Standing Committees on
6 State Affairs on SB 190 as found on page 584 of the House Journal; also
7 Education on SB 132 as found on page 585 of the House Journal; also
8 Education on SB 134 as found on page 585 of the House Journal; also
9 Judiciary on SB 154 as found on page 586 of the House Journal be adopted.

10 Which motion prevailed.

11 **SECOND READING OF CONSENT CALENDAR ITEMS**

12 SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
13 abandoned mobile and manufactured homes.

14 Was read the second time.

15 The question being "Shall SB 119 pass as amended?"

16 And the roll being called:

17 Yeas 69, Nays 0, Excused 1, Absent 0

18 Yeas:

19 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
20 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
21 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
22 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
23 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
24 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
25 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
26 Willadsen; Wollmann; Zikmund; Speaker Wink

27 Excused:

28 Craig

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 SB 17: FOR AN ACT ENTITLED, An Act to revise the definition of motor vehicles that
4 are subject to the lemon law.

5 Was read the second time.

6 The question being "Shall SB 17 pass as amended?"

7 And the roll being called:

8 Yeas 69, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
11 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
12 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
13 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
14 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
15 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
16 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
17 Willadsen; Wollmann; Zikmund; Speaker Wink

18 Excused:

19 Craig

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 SB 108: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
23 aggravated DUI's.

24 Was read the second time.

25 The question being "Shall SB 108 pass?"

26 And the roll being called:

27 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
5 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
9 Willadsen; Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Craig

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 Rep. Gosch moved that SB 120 be placed to follow SB 136 on today's calendar.

16 Which motion prevailed.

17 SB 98: FOR AN ACT ENTITLED, An Act to revise the provisions related to the financial
18 accountability system.

19 Was read the second time.

20 The question being "Shall SB 98 pass?"

21 And the roll being called:

22 Yeas 68, Nays 0, Excused 2, Absent 0

23 Yeas:

24 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
25 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
26 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
27 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; Mickelson;
28 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
29 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;
30 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
31 Zikmund; Speaker Wink

32 Excused:

33 Craig; McCleerey

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 Rep. Gosch moved that SB 95 be placed to follow SB 186 on today's calendar.

4 Which motion prevailed.

5 SB 101: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding
6 cancer treatment medication coverage by insurance companies.

7 Was read the second time.

8 The question being "Shall SB 101 pass as amended?"

9 And the roll being called:

10 Yeas 69, Nays 0, Excused 1, Absent 0

11 Yeas:

12 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
13 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
14 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
15 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
16 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
17 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
18 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
19 Willadsen; Wollmann; Zikmund; Speaker Wink

20 Excused:

21 Craig

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed and the title was agreed to.

24 SB 50: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
25 Authority to provide for the construction, reconstruction, renovation, and modernization of state
26 park facilities and infrastructure at Custer State Park for the Department of Game, Fish and
27 Parks, to make an appropriation therefor, and to declare an emergency.

28 Was read the second time.

29 The question being "Shall SB 50 pass as amended?"

30 And the roll being called:

1 Yeas 65, Nays 4, Excused 1, Absent 0

2 Yeas:

3 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
4 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
5 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
6 Johns; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman;
7 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
8 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
9 Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
10 Zikmund; Speaker Wink

11 Nays:

12 Hickey; Kaiser; Marty; May

13 Excused:

14 Craig

15 So the bill having received an affirmative vote of a two-thirds majority of the members-
16 elect, the Speaker declared the bill passed and the title was agreed to.

17 SB 172: FOR AN ACT ENTITLED, An Act to strengthen the financial practices of the
18 State of South Dakota.

19 Was read the second time.

20 The question being "Shall SB 172 pass?"

21 And the roll being called:

22 Yeas 69, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
25 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
26 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
27 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
28 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
29 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
30 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
31 Willadsen; Wollmann; Zikmund; Speaker Wink

32 Excused:

33 Craig

34 So the bill having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the bill passed and the title was agreed to.

SB 173: FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes, to revise the state water plan, to increase the authority of the South Dakota Board of Water and Natural Resources to make consolidated water facilities construction program awards, and to declare an emergency.

Was read the second time.

The question being "Shall SB 173 pass?"

And the roll being called:

Yeas 66, Nays 2, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Kaiser; May

Excused:

Craig; Schrempp

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 159: FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches from sales and use tax.

Was read the second time.

The question being "Shall SB 159 pass?"

And the roll being called:

Yeas 63, Nays 5, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; DiSanto;
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
5 (Alex); Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Munsterman; Novstrup (Al); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum;
8 Stalzer; Stevens; Tulson; Verchio; Westra; Wiik; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Deutsch; Johns; Otten (Herman); Werner; Willadsen

11 Excused:

12 Craig; Schrempp

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 111: FOR AN ACT ENTITLED, An Act to repeal the provision that invalidates
16 absentee ballots cast by voters who died before the date of the election.

17 Was read the second time.

18 The question being "Shall SB 111 pass?"

19 And the roll being called:

20 Yeas 30, Nays 38, Excused 2, Absent 0

21 Yeas:

22 Bartling; Bolin; Bordeaux; Conzet; Feickert; Gibson; Greenfield (Lana); Hawks; Hawley;
23 Hickey; Holmes; Hunhoff (Jean); Johns; Killer; Langer; McCleerey; Novstrup (Al); Otten
24 (Herman); Ring; Rounds; Rozum; Schoenfish; Sly; Soli; Solum; Stevens; Werner; Willadsen;
25 Wollmann; Speaker Wink

26 Nays:

27 Anderson; Beal; Brunner; Campbell; Cronin; Deutsch; DiSanto; Dryden; Duvall; Gosch; Hagggar
28 (Don); Harrison; Haugaard; Heinemann (Leslie); Hunt; Jensen (Alex); Kaiser; Kirschman;
29 Klumb; Latterell; Marty; May; Mickelson; Munsterman; Partridge; Peterson (Kent); Qualm;
30 Rasmussen; Romkema; Russell; Schaefer; Schoenbeck; Stalzer; Tulson; Verchio; Westra; Wiik;
31 Zikmund

32 Excused:

33 Craig; Schrempp

34 So the bill not having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the bill lost.

SB 126: FOR AN ACT ENTITLED, An Act to revise certain publications date citations for references to the International Building Code and International Property Maintenance Code.

Was read the second time.

The question being "Shall SB 126 pass?"

And the roll being called:

Yeas 66, Nays 2, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Beal; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Bolin; Qualm

Excused:

Craig; Schrempp

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 161: FOR AN ACT ENTITLED, An Act to allow certain fireworks to be used all year.

Was read the second time.

The question being "Shall SB 161 pass as amended?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
5 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly;
8 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
9 Zikmund; Speaker Wink

10 Excused:

11 Craig; Schrempp

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 3: FOR AN ACT ENTITLED, An Act to provide for mediation of certain drainage
15 disputes.

16 Was read the second time.

17 The question being "Shall SB 3 pass as amended?"

18 And the roll being called:

19 Yeas 67, Nays 1, Excused 2, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
22 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;
23 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
24 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; May; McCleerey;
25 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
26 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly;
27 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
28 Zikmund; Speaker Wink

29 Nays:

30 Marty

31 Excused:

32 Craig; Schrempp

33 So the bill having received an affirmative vote of a two-thirds majority of the members-
34 elect, the Speaker declared the bill passed and the title was agreed to.

1 Rep. Westra moved that SB 73 be placed to follow SB 95 on today's calendar.

2 Which motion prevailed.

3 SB 136: FOR AN ACT ENTITLED, An Act to exclude certain municipal taxes from the
4 gross receipts used to determine the tax liability for customers served by electric cooperatives.

5 Was read the second time.

6 The question being "Shall SB 136 pass as amended?"

7 And the roll being called:

8 Yeas 67, Nays 1, Excused 2, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
11 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
12 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
13 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
14 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
15 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly;
16 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Wollmann; Zikmund;
17 Speaker Wink

18 Nays:

19 Willadsen

20 Excused:

21 Craig; Schrempp

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed.

24 The question being on the title.

25 136ota

26 Rep. Novstrup moved that the title to SB 136 be amended as follows:

27 On page 1, line 2, of the Senate engrossed bill, before "." insert "and electric utilities".

28 Which motion prevailed and the title was so amended.

1 SB 120: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special
2 alcoholic beverage licenses issued in conjunction with special events and to declare an
3 emergency.

4 Having had its second reading was up for consideration and final passage.

5 120fb

6 Rep. Rounds moved that SB 120 be further amended as follows:

7 On the Senate Commerce and Energy engrossed bill, delete the previously adopted
8 amendments (120rc), (120xa), and (120xb).

9 On page 2, line 14, after "event" insert ", conducted pursuant to section 2 of this Act,".

10 On page 2, line 18, delete "or".

11 On page 2, line 20, after "event" insert ", conducted pursuant to section 2 of this Act,".

12 On page 2, line 23, after "applicant" insert:

13 "; or

14 (7) A special off-sale package distilled spirits dealers license in conjunction with a
15 special event, conducted pursuant to section 2 of this Act, within the municipality or
16 county to any civic, charitable, educational, fraternal, or veterans organization or any
17 licensee licensed pursuant to subdivision 35-4-2(3) or (5) in addition to any other
18 license held by the special events license applicant".

19 On page 3, line 11, before "A" insert:

20 " A civic, charitable, educational, fraternal, or veterans organization holding a special events
21 license pursuant to subdivision 35-4-124(7) may accept donated distilled spirits from members
22 of the public to be sold at the special event."

23 On page 3, delete lines 16 to 21, inclusive, and insert:

24 " Any donated distilled spirits, wine, or malt beverage must have been purchased from a
25 licensed South Dakota retailer by the donor. A complete record of the proof of the purchase of
26 the donated distilled spirits, wine, or malt beverage from a licensed South Dakota retailer must
27 accompany the distilled spirits, wine, or malt beverage at the time of donation, and the holder
28 of the special events license pursuant to subdivision 35-4-124(5), (6), or (7) shall maintain a
29 complete record of the proof of the purchase of the donated distilled spirits, wine, or malt
30 beverage."

31 Which motion prevailed.

1 The question being "Shall SB 120 pass as amended?"

2 And the roll being called:

3 Yeas 67, Nays 1, Excused 2, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
6 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
7 Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
8 Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
9 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
10 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly;
11 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
12 Zikmund; Speaker Wink

13 Nays:

14 Haugaard

15 Excused:

16 Craig; Schrempp

17 So the bill having received an affirmative vote of a two-thirds majority of the members-
18 elect, the Speaker declared the bill passed and the title was agreed to.

19 Rep. Gosch moved that SB 2, 51, 33, 70, ~~137~~, 191, 13, 186, 95, and 73 be deferred to
20 Friday, March 6, the 33rd legislative day.

21 (Journal Correction: See page 623 of the House Journal.)

22 Which motion prevailed.

23 There being no objection, the House reverted to Order of Business No. 7.

24 **MESSAGES FROM THE SENATE**

25 MR. SPEAKER:

26 I have the honor to inform your honorable body that HB 1103 was lost on second reading
27 and final passage.

28 Respectfully,
29 Kay Johnson, Secretary

2 REPORTS OF STANDING COMMITTEES

11 Respectfully submitted,
12 Dean Wink, Chair

13 **SIGNING OF BILLS**

26 SB 30: FOR AN ACT ENTITLED, An Act to revise the review process for rate and policy
27 form filing denials for insurers.

SB 37: FOR AN ACT ENTITLED, An Act to adopt the 2008 Uniform Interstate Family Support Act, to repeal the 1996 Uniform Interstate Family Support Act, and to revise certain provisions relating thereto.

SB 41: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to commercial driver licensing.

SB 45: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the sale of unpasteurized raw milk.

SB 47: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

SB 49: FOR AN ACT ENTITLED, An Act to authorize the Department of Game, Fish and Parks to sell a portion of railway right-of-way to the City of Deadwood.

SB 63: FOR AN ACT ENTITLED, An Act to adopt the Interstate Medical Licensure Compact.

SB 81: FOR AN ACT ENTITLED, An Act to require persons convicted of driving a vehicle while under influence of alcohol, drugs, or intoxicants to pay certain costs to the county.

SB 94: FOR AN ACT ENTITLED, An Act to establish a license fee for electric-powered motorcycles.

SB 113: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the fiscal impact statements prepared for legislation that impacts state prison or county jail populations.

SB 118: FOR AN ACT ENTITLED, An Act to provide additional transparency for prescription drug plans.

SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the general requirements that vehicle owners must satisfy before applying for military plates.

And signed the same in the presence of the House.

Rep. Anderson moved that the House do now adjourn, which motion prevailed and at 3:47 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk

(Due to a clerical error the next page number is 633.)